

MAR 06 2006


Patent

Attorney Docket No.: 13303/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/942,528 Confirmation No. 6548
Applicant : Philipp LANG
Filed : August 29, 2001
Title : METHODS AND DEVICES FOR QUANTITATIVE ANALYSIS
OF X-RAY IMAGES
TC/A.U. : 2621
Examiner : Tom Y. LU

MAIL STOP: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| CERTIFICATE OF MAILING | |
|---|--|
| I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office via facsimile number: (571) 273-8300 or deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on | |
| Dated: March 6, 2006 | Signature:  Thera Wagner |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

The above-identified application having been finally rejected in the Office Action mailed September 6, 2005, and the time period for response being extended by the concurrent filing of an appropriate extension of time and a Notice of Appeal, the Applicant respectfully submits this Pre-Appeal Brief Request for Review.

The review is requested for the reason(s) stated on the attached sheets. No amendments are being filed with this request.

As noted, a Notice of Appeal is submitted concurrently herewith.

SJ01 83132 v1

Application No.: 09/942,528

Pre-Appeal Brief Request dated: March 6, 2006

Reply to Final Office Action dated: September 6, 2005

REMARKS/ARGUMENTS

In responding to the final Office Action in the subject application, Applicants argued, apparently successfully, that the portion of Sachdeva on which the Examiner was relying (col. 6, lines 43-48) did not teach "analyzing the x-ray image at the remote computer to derive quantitative information on bone from the x-ray image," as claimed in the rejected claims.

Now, in the Advisory Action, the Examiner has referred to a portion of Sachdeva (col. 9, lines 46-51) as allegedly teaching). However, Applicants submit that the Examiner still is incorrect, and that Sachdeva does not teach the claimed step.

The portion of Sachdeva on which the Examiner now relies describes the contents of an electronic patient record that an orthodontic server generates. Among the data generated as part of the electronic patient record is radiographic data, which the Examiner says is the x-ray image. However, there is nothing in this passage that says that any of the electronic patient record contains any analysis of an x-ray image.

There are radiological examination measurements in the electronic patient record, but this is not analysis of an x-ray image. There also is other data generated, but none of this is analysis of an x-ray image, either. See Sachdeva, col. 9, lines 33-45, for example.

In addition, the immediately following section of Sachdeva (col. 9, lines 46-64), which includes the passage on which the Examiner now relies, indicates that the orthodontic server 14 includes a simulator module 84 which designs an orthodontic apparatus using the electronic patient record, and orthodontic parameters from a database 28. However, nothing here teaches or suggests deriving quantitative information on bone, as claimed in the present application).

Application No.: 09/942,528
Pre-Appeal Brief Request dated: March 6, 2006
Reply to Final Office Action dated: September 6, 2005

Pursuant to the foregoing, Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

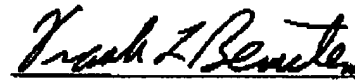
The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

Respectfully submitted,

KENYON & KENYON

Dated: March 6, 2006

By:



Frank L. Bernstein

Registration No. 31,484

Customer No. 36806

KENYON & KENYON LLP
333 West San Carlos St., Suite 600
San Jose, CA 95110
Telephone: (408) 975-7988
Facsimile: (408) 975-7501